



# City of Madison Fire Department

325 West Johnson Street, Madison, WI 53703-2295  
Phone: 608-266-4420 • Fax: 608-267-1100 • E-mail: [fire@cityofmadison.com](mailto:fire@cityofmadison.com)

May 18, 2011

**Debra H. Amesqua**  
Fire Chief  
608-266-6564

**James D. Keiken**  
Assistant Chief  
608-266-5966

**Paul T. Bloom**  
Assistant Chief  
608-266-5956

**Gregg D. Knudtson**  
Assistant Chief  
608-266-5959

**Ernesto Martinez**  
Division Chief  
608-266-4886

**Ronald C. Schwenn**  
Division Chief  
608-266-4203

**Michael D. Popovich**  
Division Chief  
608-266-5946

**Arthur B. Price**  
Division Chief  
608-266-4256

**Richard A. Kinkade**  
Division Chief  
608-266-4201

**Steven A. Davis**  
Division Chief  
608-267-8674

**Edwin J. Ruckriegel**  
Fire Marshal  
608-266-4457

**Rita A. Johnson**  
Admin Services Mgr.  
608-266-5957

**Christian C. Zuver**  
Medical Director  
608-266-4424

**Fire Investigation**  
608-266-4488

Visit our website at:  
[www.madisonfire.org](http://www.madisonfire.org)

**Ms. Diana Lopez**  
Senior Editor – Sunshine Review

RE: Public Records Request

Dear Ms. Lopez:

I have received a copy of your May 5, 2011 email in which you made the following request for copies of public records:

- 1) Records of salaries from January 1, 2008 to January 1, 2011 for the following positions or the equivalent:
  - Deputy District Chief
  - District Chief
  - Assistant Deputy Fire Commissioner
  - Deputy Fire Commissioner
  - First Deputy Fire Commissioner
  - Fire Commissioner
- 2) Benefits information in dollars for items 1 and 2, from January 1, 2008 to January 1, 2011.
- 3) Overtime paid to personnel who retired January 1, 2008 to January 1, 2011. For example, if John Smith retired January 1, 2008, how much overtime was he paid in 2008?
- 4) Number of department-issued cell phones from January 1, 2008 to January 1, 2011. Also, any relevant policy regarding department-issued cell phones and cell phone reimbursement.
- 5) Number of department-issued personal cars for take-home use from January 1, 2008 to January 1, 2011. Also, any relevant policy regarding department-issued cars and mileage reimbursement.

We have none of the positions listed above in our department, but I have provided information on command staff level positions that we have in the Madison Fire Department

### Item 1

	2008	2009	2010
Fire Chief	\$125,511.42	\$135,976.86	\$132,542.45
Asst. Fire Chief	\$119,227.94	\$132,729.50	\$125,310.39
Asst. Fire Chief	\$127,433.27	\$133,144.07	N/A
Asst. Fire Chief	\$118,694.09	\$132,554.16	\$124,715.26
Asst. Fire Chief	\$107,188.99	\$118,511.81	\$108,704.07
Asst. Fire Chief	\$108,852.95	\$118,759.76	\$124,522.69
Division Fire Chief	\$102,809.05	\$114,418.23	\$107,416.70
Division Fire Chief	\$101,802.16	\$114,342.11	\$107,008.14
Division Fire Chief	\$96,973.17	\$108,458.03	\$101,935.82
Division Fire Chief	\$98,189.81	\$113,472.68	\$106,674.78
Division Fire Chief	N/A	N/A	\$105,101.42

I have provided relevant records as requested number 1 above. With regards to request number 2 it may also be helpful for you to review our personnel ordinances which are set out in Subchapter 3C of the Madison General Ordinances (§§3.50-3.54, MGO). These ordinances may be reviewed online and accessed through the City's website at [www.cityofmadison.com](http://www.cityofmadison.com). You may also find it helpful to review the City's Personnel Manual and other related documents at [www.cityofmadison.com/HR/](http://www.cityofmadison.com/HR/).

### Item 3

With regards to request number 3, the ambiguity arises as to whether you are requesting information for the overtime hours worked during the specified time period or simply the total number of career overtime hours for employees who retired during the specified time period. Since there has been considerable public interest in the affect that overtime earnings during the final three years of an employee's service have on their retirement pay, the City is interpreting your request as one for any overtime pay earned during an employee's final three years of service for employees who retired during your specified time period of January 1, 2008 to January 1, 2011.

However, the City does not maintain a record showing the amounts that retiring employees accumulated in overtime during any fiscal or calendar year. The City would have to develop that information by first identifying the employees who retired during the calendar years 2008, 2009, 2010. Then the City would have to review each such individual's pay records, extract the requested information and assemble that information into a record. However, a records custodian is under no obligation to create a record in order to satisfy a requestor's query. See Wis. Stats. § 19.35(1)(L).

However, we may be willing to undertake this effort if you agree to reimburse the City for the costs associated in creating this record. Staff has estimated that it would take approximately two hours worth of programming time to create the document you seek. Thus, the labor and programming costs of producing this information would exceed \$120. Consistent with the Public Records Laws, under which we require prepayment of any expenses in excess of five dollars (\$5.00) we would require you to pre-post the costs of creating this record before we would engage in such an effort. If you are interested in proceeding with this approach, please feel free to contact me.

#### **Item 4**

There are 39 cell phone used within the Madison Fire Department during 2009 & 2010. In 2008 there were 35. Personnel are not reimbursed for personnel cell phone use by the Madison Fire Department. I also refer you to the City's Web site to our Telephone Policy (APM 3-12) <http://www.cityofmadison.com/mayor/apm/3-12.pdf>. Hopefully, these documents will address your interests and concerns.

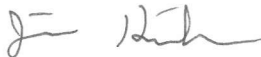
#### **Item 5**

There are 10 command officers (1 Chief, 3 Assistant Chiefs, 6 Division Chief) and the on call Fire Investigator that have fire department vehicles for after hours response capability.

I also direct your attention to our CARS policy (APM 2-13) which is available at <http://www.cityofmadison.com/mayor/apm/>. Hopefully, these documents will address your interests and concerns.

In arriving at the above determinations, the City has reviewed the requested information and carefully balanced the public interests in nondisclosure of these records against the strong presumption that public records should be open to inspection. The City has denied access to these records only when it is clear that public policies promoted by non-disclosure strongly outweigh the public's interests in full disclosure. In closing you are advised that, pursuant to Sec. 19.35 (4)(b) Wis. Stats., this determination not to disclose certain portions of these records is subject to review by Mandamus under Sec. 19.37 Wis. Stats., or upon application to the Wisconsin Attorney General or Dane County District Attorney.

Sincerely,



Jim Keiken  
Assistant Fire Chief

Cc City Attorney office  
Chief Amesqua  
File